

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

DEONDRAY RAYMOND MASON,
Institutional ID No. 02198087
SID No. 08419467
Previous TDCJ ID Nos. 01955750,
02005798

Plaintiff,

v.

No. 5:22-CV-00267-H

PRESTON SMITH OFFICIALS, *et*
al.,

Defendants.

PLRA FILING FEE ORDER

Plaintiff filed an application for leave to proceed *in forma pauperis*. The Prison Litigation Reform Act of 1995 (PLRA) requires prisoners bringing civil actions to pay an initial partial filing fee and thereafter to pay the balance of the full filing fee.¹

After reviewing the application, the Court orders the following:

- (1) Plaintiff is granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915.
- (2) Plaintiff will not be assessed an initial partial filing fee because he lacks the requisite funds in his prison account to pay an initial fee; however, plaintiff will be required to pay the full filing fee of \$350.00 under the PLRA.
- (3) Plaintiff must pay the \$350.00 in monthly installments as provided in 28 U.S.C. § 1915(b)(2). After payment of the initial partial filing fee, if any, the agency

¹ When a prisoner plaintiff has been granted leave to proceed *in forma pauperis*, a \$350 filing fee will be deducted from the prisoner's account. *See* District Court Miscellaneous Fee Schedule. If the prisoner plaintiff has not been granted leave to proceed *in forma pauperis*, he must pay the \$350 fee plus a \$52 administrative fee, resulting in a total filing fee of \$402. *See id.*

having custody of Plaintiff shall deduct 20% of each deposit made to Plaintiff's inmate trust account and forward payments to the Court on a regular basis provided the account exceeds \$10.00.

(4) Service of process will be withheld pending judicial screening under 28 U.S.C. § 1915(e)(2).

(5) No amendments or supplements to the complaint may be filed without prior Court approval. A complete amended complaint must be attached to any motion to amend.

(6) All discovery in this case is stayed until an answer is filed or until further order.

(7) No motions for appointment of counsel may be filed until the Court has completed its screening under 28 U.S.C. § 1915(e)(2), which may include a hearing pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), or other proceedings deemed appropriate by the Court.

(8) Plaintiff must promptly notify the Court of any change of address by filing a written notice of change of address with the Clerk. Failure to file this notice may result in this case being dismissed for want of prosecution.

(9) The Clerk will mail a copy of this order to the inmate accounting office or other persons or entity with responsibility for assessing, collecting, and remitting to the Court the interim filing fee payments on behalf of inmates, as designated by the facility in which Plaintiff is confined.

So ordered.

Dated January 31, 2023.


JAMES WESLEY HENDRIX
United States District Judge